

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON, FOR KING COUNTY

HERT STARES,

Plaintiff,

-vs-

MAUDE PALMBERG, ANNIE  
STANGROOM, GERTIE GORMAN  
HUGHES, MRS. ARTHUR HARRIS,  
formerly Eileen Stangroom,  
BESSIE ZENGEL, deceased,  
and her heirs, and ALFRED  
PALMBERG, deceased, and  
his heirs,

Defendants.

No. 367315

ANSWER TO PLAINTIFF'S

AMENDED COMPLAINT

FILED  
1938 JUL 23 AM 11 20  
NORMAN R. BIDDLE, CLERK  
KING COUNTY WASH

Come now the defendants Gertie Gorman Hughes and Minnie  
Hughes, executrix of the last will and testament of Maude Palm-  
berg, deceased, and for answer to the amended complaint of the  
plaintiff herein say:

I.

Answering Paragraph I of the said amended complaint these  
defendants admit that the parties are joint owners of Parcels A  
and C designated in said paragraph, but deny all the remainder  
of said paragraph.

II.

Answering Paragraph II, they admit that Minnie Hughes is the  
executrix of the will of Maude Palmberg; that Gertrude Hughes was  
formerly Gertie Gorman; they deny all other parts of said para-  
graph.

III.

They deny Paragraph III of the said amended complaint.

IV.

They deny Paragraph IV of said amended complaint.

V.

Answering Paragraph V, they deny

I.

every part thereof, except they admit that Gertrude Hughes and her husband improved Parcel A. They admit that no party paid any rent.

VI.

Answering Paragraph VI, the defendants deny the same.

VII.

They deny Paragraph VII and each and every part thereof.

VIII.

They deny Paragraph VIII.

FOR FURTHER ANSWER AND BY WAY OF CROSS-COMPLAINT AGAINST THE PLAINTIFF, THESE DEFENDANTS SAY:

I.

That the property involved in this proceeding is property owned by the parents of the parties hereto. That the plaintiff, Bert Stares, was administrator of the estate, but after the close of the estate these defendants and the other defendants, while the property was still intact, gave to plaintiff the money to pay the taxes upon said property, relying upon the plaintiff, Bert Stares, to pay the same, and that he accepted the same, as trustee, for the purpose of paying the taxes. That after some time these defendants discovered that plaintiff had misappropriated the money and had not paid the taxes, as a result of which these defendants lost their interest in Parcel B of the property mentioned in the complaint, and the same was sold for taxes, and the same has become a total loss to these defendants, as well as the money which they advanced to pay the taxes.

II.

That if the partition be had in this case, these defendants assert that they are entitled to have their portion of Parcel B that was lost by reason of the taxes not being paid, charged against the plaintiff, as well as the money which they advanced

to pay the taxes, and which was misappropriated by the said Bert  
Harris.

III.

That the plaintiffs have continuously used and lived on a  
part of the property involved, namely Parcel A, since 1925, have  
paid no rent therefor, and have used the whole of said Parcel A.  
That a reasonable rental therefor is \$50.00 per month, which  
plaintiffs should be required to pay to defendants as reasonable  
rent.

FOR FURTHER ANSWER AND BY WAY OF AN AFFIRMATIVE DEFENSE,  
THESE DEFENDANTS SAY:

I.

That there is a defect of parties plaintiff and defendant.  
That as to the property sought to be partitioned in this case,  
there are many other parties interested, known to the plaintiff,  
who have an interest, and they have not been made defendants,  
neither have they been made plaintiffs in this cause, and that  
to proceed with this cause would amount to nothing.

WHEREFORE, having fully answered, these defendants pray  
the acquiesce of this court.

*Gertie Gorman Hughes*  
Attorneys for defendants Gertie  
Gorman Hughes and Minnie Hughes,  
Executrix.

STATE OF WASHINGTON )  
County of King } ss.

GERTIE GORMAN HUGHES, being first duly sworn, on oath de-  
poses and says That she is one of the answering defendants herein;  
that she has read the foregoing answer, knows the contents there-  
of, and believes the same to be true.

*Gertie Gorman Hughes*  
SUBSCRIBED AND SWORN TO before me this 2 day of June, 1948.

*Notary Public*  
NOTARY PUBLIC for the State  
of Washington, residing at Seattle